

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, APRIL 21, 2010 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ethan Edwards, Jill Arabe, Andrew Gonzales, Kimberly De Coite
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2010-005/ CONDITIONAL USE PERMIT NO. 2010-008 (BOOKOUT ADDITION AND REMODEL)

APPLICANT: Wayne Collins, W. Wayne Collins Architecture, 26582 Via California, Capistrano Beach, CA 92624

PROPERTY OWNER: Joe and Judy Bookout, 9092 Christine Drive, Huntington Beach, CA 92646

REQUEST: **CDP:** To permit a 1,865 sq. ft., first and second floor addition to an existing 2,281 sq. ft., two-story single-family residence with an overall building height of 33 ft. **CUP:** To permit (a) approximately 355 sq. ft. third-story rooftop deck; and (b) an overall building height exceeding 30 ft.

LOCATION: 9092 Christine Drive, 92646 (south side of Christine Drive at the terminus of Surfrider Lane)

PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Edwards stated that staff had received some calls regarding the item but no official public comments.

THE PUBLIC HEARING WAS OPENED.

Wayne Collins, applicant, stated that he had reviewed the conditions of approval and did not have any objections.

Maureen Connolly, 9082 Christine Drive, expressed concern with the project's potential impacts to an existing Southern California Edison utility easement on the property. Mr. Ramos asked if her concerns were about potential inference and Ms. Connolly stated that she was concerned

that the addition would impact the existing utility and stated that she hoped the applicant and property owner were in contact with Southern California Edison regarding any potential impacts.

Rita Swanson, 9101 Christine Drive, expressed concern with the proposed height of the addition and its potential impacts to her property's existing views. Mr. Ramos stated that the project is in compliance with the code and noted that only the access way serving the third floor deck is above 30 feet. He stated that currently no code provisions exist that protect private views.

Joe Bookout, property owner, indicated that the project will try to be consistent with the size and scale of homes in the surrounding neighborhood.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff with a minor change to the order of the conditions of approval.

COASTAL DEVELOPMENT PERMIT NO. 2010-005/ CONDITIONAL USE PERMIT NO. 2010-008 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project is located within an urbanized residential zone and involves the reconstruction of a new single-family dwelling.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2010-005:

1. Coastal Development Permit No. 2010-005 for the development of an approximately 1,865 sq. ft., first and second floor addition to an existing 2,281 sq. ft., two-story single-family residence with an overall building height of approximately 33 ft., conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Policy C 1.1.1 to encourage development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with the minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed residence will be

constructed on a previously developed site in an urbanized area with all the necessary services and infrastructure available, including water, sewer, and roadways.

4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed residence will not impede public access, recreation, or views to coastal resources.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-008:

1. Conditional Use Permit No. 2010-008 to permit (a) approximately 355 sq. ft. 3rd floor deck; and (b) an overall building height of approximately 33 ft. will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The 3rd floor roof deck will be accessible only from the interior of the building. Nearby residences will be shielded from the 3rd floor deck by the 2nd floor roof and enclosed rooftop access architectural feature. The orientation of the deck will face the adjacent Huntington Beach Wetlands and be sufficiently setback from the building exterior to protect the privacy of adjacent properties.
2. The conditional use permit will be compatible with the surrounding neighborhood because the two-story residence with third-story roof deck is designed to resemble the two-story homes in the adjacent neighborhood. The portions of the building that exceed 30 ft. will accommodate a portion of the 3rd floor rooftop deck access which is located near the rear of the building. The 3rd floor rooftop deck is integrated within the confines of the 2nd floor roof volume which is compatible to the mass and scale of surrounding homes. The overall building height is not anticipated to impact surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights.
3. The conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The project complies with minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height. An overall building height of approximately 33 ft. and 3rd floor deck are allowed within the RL (Residential Low Density) zoning district with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Low Density Residential—7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Policy – 9.2.1.: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including the:

- a. Maintenance of the predominant or median existing front yard setbacks;
- b. Use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development.
- c. Use of complimentary building materials, colors and forms, while allowing flexibility for unique design solutions.
- d. Maintenance of privacy on abutting residences.

The proposed project complies with this General Plan policy because the project employs variations in form such as variable rooflines and building pop-outs, contrasting exterior finishes, building details such decorative doors and windows, and building siting in order to create visual interest. The architectural elements of the residence which include windows, doors, balcony, deck, and roof eaves create a rhythmic composition, taking into consideration scale, style and proportion of architectural elements. Furthermore, the proposed project is designed to minimize privacy impacts by orientating the balcony and deck toward the adjacent Huntington Beach Wetlands. The design of the residence will be compatible with existing developments in the neighborhood which are comprised of two-story residences because the project will convey the appearance of a two-story home.

B. Coastal Element

Objectives – C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Implementation Program – I-C 2: The principal method for implementing the Coastal Element is the HBZSO, and the design and development standards contained therein. Accordingly, projects that comply with HBZSO standards are consistent with the Coastal Element of the General Plan.

The project will comply with the goals and policies of the Coastal Element, the General Plan, and the standards of the HBZSO. No adverse impacts will occur as a result of the proposed development. The project will not impact public access, recreation, or views to coastal resources. The proposed construction will occur on a previously developed site, contiguous to existing residential development.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2010-005/
CONDITIONAL USE PERMIT NO. 2010-008:**

1. The site plan, floor plans, and elevations received and dated February 25, 2010 shall be the conceptually approved design.
2. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, and Public Works dated April 14, 2010, shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.

- d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following has been completed:
- a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 2010-002 (STEPHEN RESIDENCE)

APPLICANT: John McCloskey, Shulda-McCloskey Architects, 2753 Camino Capistrano, Suite A-102, San Clemente, CA 92672

PROPERTY OWNER: Robert Stephen, 2421 Santiago, La Verne, CA 91750

REQUEST: To permit the partial demolition of an existing single-family dwelling and construction of an approximately 4,000 sq. ft., two-story residence with an existing 462 sq. ft. attached garage and an overall building height of 29 ft. 6 in. This request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

LOCATION: 16712 Coral Cay, 92649 (northeast of Pacific Coast Highway, east side of Coral Cay Lane - Coral Cay Peninsula)

PROJECT PLANNER: Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ms. Arabe stated that staff had received no public comments on the item.

THE PUBLIC HEARING WAS OPENED.

John McCloskey, applicant, stated that he had questions regarding the project implementation code requirements. Mr. Ramos stated that he is unable to modify a code requirement and indicated that Mr. McCloskey should discuss his concerns with staff.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff with minor changes to the findings for CEQA and the conditions of approval.

COASTAL DEVELOPMENT PERMIT NO. 2010-002 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project is located within an urbanized residential zone and involves the reconstruction of a new single-family dwelling.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2010-002:

1. Coastal Development Permit No. 2010-002 to permit construction of an approximately 4,000 sq. ft. two-story single family residence, as proposed, conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low Density. The project is consistent with Coastal Element Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing residential developments.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code including maximum lot coverage, maximum building height, minimum yard setbacks, and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed single family dwelling will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed single family dwelling will not impede public access, recreation or views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2010-002:

1. The site plan, floor plans, and elevations received and dated March 17, 2010, shall be the conceptually approved design with the following modifications:
 - a. The infill requirements as revised in the site plan, second floor plan, and east/south elevations received and dated March 31, 2010, shall be reflected on Sheet 1, Sheet 3, and Sheet 6, respectively. (HBZSO Sect. 230.22)
 - b. On Sheet 1, a minimum 360.48 sq. ft. of landscaping shall be provided within the front yard area. (HBZSO Sect. 210.06.S)
 - c. On Sheet 5, the finished floor elevation at the highest ridge of the house shall be revised to be consistent with Sheet 1.
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning and Building Department.
 - b. Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, and Public Works dated April 15, 2010, shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be

referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved, until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly

notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:50 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, APRIL 28, 2010, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc